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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,219	07/23/2001	Juha Rasanen	975.350USW1	4905

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,219

Applicant(s)

RASANEN, JUHA

Examiner

Charles Appiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 22-42 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22-30, 32, 34-40, 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tayloe et al. (5,826,188)**.

Regarding claims 22 and 39 Tayloe discloses a method and a network interworking device for interworking between different radio access networks, comprising: a radio transceiver device (multi-mode SU 800) capable of operating with a first radio access network GSM in the 900 MHz frequency range) and a second radio access network TDMA in the 1900 MHz frequency range) – see col. 11, line 66 to col. 12, line 34), and attached to the first network (feature of old GW desiring an inter-network handoff, step 302, the method comprising: detecting a service request, wherein the service request is received from the network side (see col. 6, lines 30-48), accessing information on conditions for the first and second radio access networks for

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giving sufficient support for a service requested by the service request by analyzing whether or not the first radio access network and the second radio access meets the conditions (see col. 6, lines 49-66, col. 7, line 44 to col. 8, line 19), and initiating a handover of the radio transceiver device from the first radio access network to the second radio access network if the second radio access network meets the conditions but the first radio access network does not (see col. 8, lines 20-50). See Figs. 3 and 6.

Regarding claims 23 and 24, Tayloe further discloses wherein the conditions comprise a condition whether the requested service exists in the radio access network, wherein the conditions depend on each other (see col. 8, lines 20-28).

Regarding claim 25, Tayloe further discloses wherein one of the conditions for the first radio access network is a given amount lower than the corresponding condition for the second radio access network (see col. 6, lines 30-48).

Regarding claims 26 and 40, Tayloe further discloses wherein the method is performed in the radio transceiver device (see col. 6, lines 10-29).

Regarding claims 27 and 41, Tayloe further discloses wherein the method is performed in a network control device (see col. 6, lines 30-48).

Regarding claim 28, Tayloe further discloses the step of informing the radio transceiver device of the fact that a handover to the second radio access network is to be initiated (see col. 8, lines 35-40).

Regarding claim 29, Tayloe further discloses the radio transceiver device is a dual mode phone, which is adapted to be operated in the first radio access network and the second radio access network (see col. 7, lines 16-25).

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Regarding claim 30, Tayloe further discloses wherein either the first or the second radio access network is a GSM network second (see col. 7, lines 8-25).

Regarding 32, Tayloe further discloses the capability of handing off between networks having differing air standards such as CDMA, TDMA and GSM modulation schemes (see col. 3, lines 49-67, col. 7, lines 9-25) that communications can be carried with conventional telephone and other communications devices such as RF telephones and pagers (see col. 4, lines 58-65), suggesting circuit –switched services capability

Regarding claims 34 and 35 Tayloe further discloses wherein an error procedure is initiated, when it is detected in the analyzing step that the requested service is not available in any of the networks and wherein the error procedure is a notification of the user (see col. 8, lines 20-28).

Regarding claims 36 and 37 Tayloe further discloses wherein the radio transceiver device is attached to the first radio access network such that it is located in a cell of the first radio access network by air with the first radio access network and the radio transceiver is also located in the cell of the second radio access network (see col. 3, line 55 to col. 4, line 22).

Regarding claim 42, Tayloe further discloses wherein the analyzing means is connected to a database for obtaining information regarding the conditions of the requested service (see col. 7, lines 26-43, col. 11, lines 16-25).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tayloe et al** as applied to claim 22 above, and further in view of **Popovic (6,393,047)**.

Regarding claims 31 and 33, Tayloe further discloses the capability of handing off between networks having differing air standards such as CDMA, TDMA and GSM modulation schemes (see col. 3, lines 49-67, col. 7, lines 9-25) that communications can be carried with conventional telephone and other communications devices such as RF telephones and pagers (see col. 4, lines 58-65), suggesting circuit-switched services capability, but fails to specifically teach wherein either the second or the first radio access network is a UMTS network and the requested service is specifically and a packet-switched service.

Popovic discloses a communication system in the context of a universal mobile telecommunications system (UMTS), which is capable of both circuit-switched services and packet-switched services over a radio access network wherein the radio access network is WCDMA system in which individual radio channels are allocated using CDMA spreading codes with WCDMA providing wide bandwidth for multimedia services and other high rate demands as well as (see col. 4, lines 32-67).

It would therefore have been obvious to one of ordinary skill in the art to implement system of handing off calls between different radio telephone networks

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whereby one of the networks is a UMTS network capable of providing both circuit-switched and packet-switched services such as multimedia and other high rate demands as taught by Popovic.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dutta et al. (5,953,319) discloses a packet-switched multi-mode mobile communication network with multiple routing options.

Helm et al. (6,157,834) discloses a terrestrial cellular and satellite cellular network interoperability communication system.

Van der Pol (EP 0 961 512) discloses a method for performing handover in a radio communication environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CA


CHARLES APPIAH
PRIMARY EXAMINER